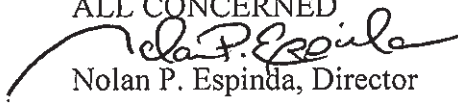


May 5, 2017

TO: ALL CONCERNED
FROM: 
Nolan P. Espinda, Director
SUBJECT: AMENDMENTS TO COR.15.04: VISITATION

The following are the significant changes to COR.15.04, effective April 18, 2017:

- 1) Modified Section 2.0 to References and Forms and moved Definitions into a separate section, making it Section 3.0.
- 2) Increased the numbering on subsequent sections.
- 3) Added the following definitions: CJIS, Contraband, Dangerous Contraband, Defendant, Emergency Situation, Escorting Adult, Immediate Family, Jail Inmate, Job Applicant, NCIC, Offender, Prison Inmate, Protective Order, Related Inmate, Unrelated Visitors, Vendor, Warden.
- 4) Added Section 5.0, Procedures.
- 5) Added requirements for visitation officer to input information into Offendertrak.
- 6) Added Section 5.2, regarding procedures to be followed when doing background checks on visitors.
- 7) Added Section 5.3, regarding number of inmates per visitor.
- 8) Added Section 5.6, regarding vendors.
- 9) Added Section 5.7, regarding unrelated visitors.
- 10) Added Section 5.8, regarding job applicants.
- 11) Added Section 5.11.c, regarding union representatives.
- 12) Expanded procedures regarding Section 5.12, groups visits.
- 13) Added Section 5.13, regarding inmates convicted of sex crimes involving minor children.
- 14) Added Section 5.17, regarding minors visiting inmates.
- 15) Added Section 5.18, ineligible visitors.
- 16) Added Section 5.19, searches.
- 17) Added Section 5.20, contraband.
- 18) Added Section 5.21, withdrawal of visiting privileges.
- 19) Other minor grammar and formatting changes.

If you require any clarification, please contact Shelley Nobriga at 808-587-1262 or shelley.d.nobriga@hawaii.gov. COR.15.04 take effect on May 5, 2017.

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES		EFFECTIVE DATE: May 5, 2017	POLICY NO.: COR.15.04
			SUPERSEDES (Policy No. & Date): COR.15.04 & 02/17/2010	
	SUBJECT: VISITATION			Page 1 of 19

1.0 PURPOSE

To establish general guidelines for a personal visiting system, guidelines for special visits and group visits while protecting legitimate penological interests.

2.0 REFERENCES AND FORMS

.1 References

- a. Department of Public Safety (PSD), Policy and Procedures (P & P), COR.08.02, Searches of Visitors and Staff; Searches of Delivery Vehicles and Delivered Items.
- b. PSD, P & P, COR.08.03, Seizure of Evidence.
- c. PSD, P & P, COR.08.04, Notice of Laws Relating to Contraband.
- d. PSD, P & P, COR.15.01, Restricted Visitors.
- e. Hawaii Administrative Rules (HAR) Title 23, Department of Public Safety, Subtitle 1, Administration, Chapter 1, General Provisions, § 23-1-6, Inmates.
- f. HAR, Title 23, Department of Public Safety, Subtitle 2, Corrections, Chapter 100, Visits.
- g. HAR, Title 23, Department of Public Safety, Subtitle 2, Corrections, Chapter 101, Contraband.
- h. Hawaii Revised Statutes (HRS) § 26-14.6, Department of Public Safety.
- i. HRS § 353-11.5, Restricted Access to Correctional Facilities.
- j. HRS § 353-28.5, Visits From Family Members.
- k. HRS § 353-29, What Officials May Visit.
- l. HRS § 353-30, Others by Permission.
- m. HRS § 353C-2, Director of Public Safety; Powers and Duties.

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- n. HRS § 577-25, Emancipation of Certain Minors.
- o. HRS Chapter 580, Divorce.
- p. HRS Chapter 586, Domestic Abuse Protective Orders.
- q. HRS Chapter 587A, Child Protective Act.
- r. HRS § 587A-38, Protective Order.
- s. HRS § 604-10.5, Power to Enjoin and Temporarily Restrain Harassment.
- t. *Overton v. Bazzetta*, 539 U.S. 126 (2003).

.2 Forms

- a. PSD 8247 – Visiting Application form (attached).
- b. PSD 8320 – Visitor Background Check Application (Unrelated to an Inmate Visitor List) form (attached).
- c. PSD 8328 – Minor Consent form (attached).
- d. PSD 8331 – Special Visit Request form (attached).

3.0 DEFINITIONS

- .1 CJIS – Criminal Justice Information Services.
- .2 Contraband – Any item that is not authorized by the facility Warden, or is in excess of the maximum quantity permitted, or which is received or obtained from an unauthorized source, and is of a nature, not appropriate for criminal prosecution.
- .3 Dangerous Contraband – Anything prohibited by law from being introduced under criminal sanctions, which an individual incarcerated is prohibited from possessing by statute, i.e., dangerous instruments, drugs, explosives.
 - a. Criminal Contraband according to HRS §§ 710-1022 AND 710-1023, includes but is not limited to dangerous instruments which may be any firearm, whether loaded or not, and whether operable or not, or other weapon, device, instrument, material, or substance, whether animate or

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inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury; and drugs, which includes dangerous drugs, detrimental drugs, harmful drugs, intoxicating compounds, marijuana and marijuana concentrates.

- .4 Defendant – Any person charged with committing a crime under State or Federal statutes, or that has been released by the courts to ISC supervision.
- .5 Emergency Situation – Any situation which unexpectedly arises that threatens the safety, security, health and/or environment of the facility, visitors, inmates and staff; and requires immediate or quick remediation to ensure the safety and good health of the facility, visitors, inmates and staff.
- .6 Escorting Adult – An individual escorting a minor to a facility in order to visit an inmate. This individual need not be the parent/legal guardian of the minor, but shall have written authorization from the minor's parent/legal guardian to act as an escort. The escorting adult shall undergo and pass the background check in order to enter the facility with the minor.
- .7 HGEA – Hawaii Government Employees Association, AFSCME Local 152 AFL-CIO.
- .8 Immediate family – Includes mother, stepmother, adoptive mother, father, stepfather, adoptive father, spouse, adoptive child, step child, foster child, grandparents and/or sibling(s). In instances of "hanai" relationships, individuals who functioned in the roles as parent(s), sibling(s), or child(ren), will be considered as part of the inmate's immediate family. This shall also include partners in a civil union or reciprocal relationship, and a live-in partner, if there is a bona-fide, long-term spousal relationship.
- .9 Jail Inmate – Any individual who is convicted of a crime and committed by the courts for a period of LESS THAN ONE (1) YEAR (this includes probation violators awaiting adjudication of their violation hearings, pretrial detainees, Federal/other State holds).
- .10 Job Applicant – Any individual who has applied for a position through the Department of Human Resource Development (DHRD), and submitted to the Department by DHRD as a qualified applicant for the open position.
 - a. Uniformed Staff – Any individual in the Adult Correctional Officer series.

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- b. Nonuniformed Staff – Any individual not a part of the Adult Correctional Officer series, including clerical staff, social workers, health care unit workers, etc.
- .11 Minor – A person under the age of 18 years old, unless such person has been married pursuant to HRS, § 577-25, Emancipation of Certain Minors.
- .12 NCIC – National Crime Information Center.
- .13 Offender – A person incarcerated or detained in a prison, jail, or community correctional center.
- .14 Prison Inmate – Any individual who is convicted of a crime and sentenced by the courts for a period of MORE THAN ONE (1) YEAR (this includes anyone that has been SENTENCED to a CONSECUTIVE term TOTALLING more than one (1) year combined) and parole violators returned to custody.
- .15 Protective Order – An order issued by the court instructing an individual to desist from abusing, harassing, stalking, assaulting, threatening, and/or contacting the petitioner. A protective order may include but is not limited to a Temporary Restraining Order (TRO) or an injunction, as issued by the court pursuant to HRS Chapter 586, and shall include any order issued by a state agency or department, enjoining the inmate from visiting with any children.
- .16 Related Inmate – An inmate who is an immediate family member to a visitor and/or another inmate.
- .17 Unrelated Visitors – Any visitor not related to an inmate, but has received authorization to visit an inmate on a limited or one time basis.
- .18 UPW – United Public Workers, AFSCME Local 646 AFL-CIO.
- .19 Valid Identification – A government-issued identification with a photograph, will be considered a valid identification. Acceptable forms of a valid identification shall include, but is not limited to a state issued driver's license and/or identification, passport, passport identification card, U.S. military identification card, U.S. military dependent's identification card, permanent resident alien card, and governmental employee identification. The identification shall have a valid expiration date, and not be expired.
- .20 Vendor – A company, corporation, State Departments (other than Public Safety), County Departments, and/or other entity, that provides goods and/or services to

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PSD at one or more correctional facilities. This shall include any employees providing goods and/or services on behalf of a company, corporation, State/County agencies, and/or any other entity.

- .21 Warden – Administrator of the facility whose only designee shall be the Deputy Warden and/or Chief of Security.

4.0 POLICY

Although visitation is considered to be a privilege and not a right afforded to inmates, the Department recognizes that visitation is integral to the correctional and rehabilitative process of inmates. Visitation provides a means of assisting inmate to maintain family and community ties while incarcerated.

All facilities shall provide necessary resources and programs to facilitate visits by family and friends of the inmate as well as community groups to provide moral support to the inmate, assist with the inmate's reintegration into the community, and to cultivate good public relations, by providing a better understanding of facility programs, and the general goals and working concepts of the Department.

5.0 PROCEDURES

- .1 All facilities shall have a designated area where inmates/defendants may accept visitors.
- .2 All potential visitors shall fill out PSD 8247 and be approved prior to being allowed to visit.
 - a. By completing PSD 8247, the applicant consents to a background check with CJIS, NCIC, and/or other governmental agencies.
 - 1) Background checks are to be conducted through the appropriate agency with the applicant's name, birthdate and **complete** social security number (9 digits).
 - 2) Once the background check has been conducted and the results are received, PSD 8247 **shall be shredded**.
 - b. Potential visitors may decline the background check; however, the potential visitor shall not be permitted to visit the inmate, until the background check has been completed.

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- c. When the background check is being conducted on the potential visitor, a check for protective orders shall also be conducted to ensure there are no current protective orders related to the potential visitor and/or inmate.
 - 1) The Judiciary's Public Access to Court Information (Ho'ohiki/eCourt Kokua, go to http://www.courts.state.hi.us/legal_references/records/jims_system_availability, and select Ho'ohiki or eCourt Kokua), should be checked to verify if there is an active protective order against or by the inmate.
 - 2) The name of the potential visitor should be checked in Ho'ohiki, eCourt Kokua and CJIS.
 - 3) The NCIC may be checked to see if there is an out of state protective order by or against the potential visitor.
 - 4) If there is an active protective order by the potential visitor against the inmate, or the inmate against the potential visitor, it should be noted on the potential visitor's background check, and on the inmate's record in Offendertrak.
 - d. Letters, memoranda and/or orders received from official agencies, such as HOPE Probation, Sex Abuse Treatment Center, etc., and/or governmental agencies, such as the Department of Human Services, Child Welfare Services, Adult Protective and Community Services, etc., recommending no contact between the inmate and certain visitors, shall be managed similar to a Protective Order and compliance is mandated.
- .3 Visitors shall be approved for only one (1) inmate's visitation list, unless the visitor is an "immediate family member" to other inmates incarcerated in PSD's facilities.
- 1) The name of the visitor and related inmate shall be recorded in Offendertrak for each inmate by the visitation officer.
 - 2) If the related inmates are incarcerated at the same facility, the visitor shall visit with one related inmate at a time.
- .4 When visiting inmates, approved visitors shall present valid identification prior to admittance to the facility. Visitors who are unable to provide valid identification for verification **shall be not** allowed to enter the facility.

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- .5 All approved and disapproved visitors shall be inputted in the inmate's record in Offendertrak, by the facility's visitation officer.
- .6 Vendors
 - a. All vendors seeking to enter the facility, must undergo a background check and be approved prior to being allowed to enter the facility.
 - b. All vendors must complete and sign PSD 8320.
 - 1) Both the date of birth and **complete** social security number for each individual are required to perform a background check with CJIS and/or NCIC.
 - 2) When the background check has been completed and approval has been given, PSD 8320 shall be shredded by the person performing the background check.
 - c. The names of the approved vendors shall be kept on an approved list, which shall be maintained at the security post gate. A valid identification shall be presented at the gate to verify the identity of the individual entering the facility.
 - d. At any time, if there are any changes in the status of approved individuals, these changes shall be reported by the vendor, company, corporation and/or entity, in writing to the Warden.
 - 1) Changes in status of approved individuals shall be reported immediately.
 - 2) Changes shall include but are not limited to a complaint, charge, arrest, and/or conviction of a felony, misdemeanor, or petty misdemeanor, issuance of a protective order or similar stay away order, etc.
 - 3) Failure to do so may result in the individual being banned from entering the correctional facility.
 - e. If any individual entering a correctional facility is related to an inmate, on an inmate's visitor's list, and/or a friend of an inmate, this shall be disclosed on PSD 8320.

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- f. All individuals are subject to searches of their person and vehicles parked on the facility property. An individual may refuse to be searched; however, the individual will not be allowed to enter the correctional facility. A searches shall be conducted in accordance with Section 19 of this policy.
- g. If an individual has been previously incarcerated, either in Hawaii or another jurisdiction, or is a registered sex offender, this shall be disclosed on PSD 8320.
- h. All approved individuals entering the correctional facility must comply with the facility's policies regarding contraband and dress standards.
- i. Approved individuals entering the facilities are not allowed to bring in any type of electronic equipment, unless prior written approval has been obtained from the facility Warden. Electronic equipment shall include but is not limited to cell phones, mobile phones, laptops, tablets, electronic smoking devices, cameras, iwatches, smart watches, fitbits, etc.
- j. PSD 8320 shall be submitted to each facility which the vendor is seeking admission.
 - 1) Vendors entering the facility for a specific project or non-emergency service, approvals shall be valid for the term of the project or for one (1) calendar year, whichever is shorter. If the project extends beyond the calendar year, the vendor must resubmit PSD 8320 for approval.
 - 2) Vendors who are required to enter the facility on a regularly scheduled basis shall receive approvals valid for one (1) calendar year. The approvals shall be renewed each year by resubmitting PSD 8320.
- k. When resubmitting PSD 8320, for renewed approval, the vendor shall note any change(s) in the status of the individuals who are re-applying for admission to the facility, if the changes were not previously reported, as required in Section 5.6.d.
- l. In an emergency situation where a vendor is called out to the facility, and there is insufficient time to perform a background check, the vendor shall be authorized to enter the facility at the Warden's discretion under the supervision of a designated staff member.
 - 1) This authorization shall be valid only for the period of time necessary to perform repairs and/or remedy the emergency situation.

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- 2) If the services of this vendor are to be utilized on a regular or scheduled basis, then the vendor and/or its employees shall complete and sign PSD 8320, and undergo a background check.

.7 Unrelated Visitors

- a. All visitors not related to an inmate, and seeking to enter the facility, must undergo a background check and be approved prior to being allowed to enter into the facility.
- b. All visitors not related to an inmate must complete and sign PSD 8320.
 - 1) Both the date of birth and complete social security number for each individual are need to perform background checks with CJIS and/or NCIC.
 - 2) When the background check has been completed and approval has been given, PSD 8320 shall be shredded by the person performing the background check.
- c. The names of the approved unrelated visitors shall be kept on an approved list which shall be kept at the security post gate. A valid identification shall be presented at the gate to verify the identity of the individual entering the facility.
- d. Approved unrelated visitors shall report any changes in their status to the Warden. Failure to do so may result in this individual being banned from entering the correctional facility.
- e. All individuals are subject to searches of their person and vehicles parked on facility property. An individual may refuse to be searched; however, the individual shall not be allowed to enter the correctional facility. Searches shall be conducted in accordance with Section 19 of this policy.
- f. If an individual has been previously incarcerated, either in Hawaii or another jurisdiction, or is a registered sex offender, this must be disclosed on PSD 8320.
- g. All approved individuals entering the correctional facility shall follow the facility's policies regarding contraband and dress standards.

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- h. Approved individuals entering the facilities are not allowed to bring in any type of electronic equipment unless prior written approval has been obtained from the facility Warden. Electronic equipment shall include but is not limited to cell phones, mobile phones, laptops, tablets, electronic smoking devices, cameras, iwatches, smart watches, fitbits, etc.
- i. Approval for unrelated visitors is valid only for processing facility. Unrelated visitors seeking to enter another facility, must obtain approval from that facility.
- j. Approval for unrelated visitors is limited to a one-time visit or a limited amount of visits for a specific period of time not to exceed six (6) months.

.8 Job Applicants

- a. All uniformed staff applicants shall be interviewed at PSD Administration.
- b. All nonuniformed staff applicants shall undergo a preliminary background check prior to entering the facility for an interview. PSD 8320 shall be completed by the applicant and returned to the department and/or individual requesting the job applicants.
- c. PSD 8320 shall be reviewed by the Chief of Security, who will refer it for a background check through CJIS.
- d. After the background check has been conducted, the PSD 8320 shall be shredded.
- e. If CJIS shows a criminal record or conviction for a job applicant, the CJIS report shall be printed out and sent to the department and/or individual requesting approval for facility entry by the job applicant.
- f. If the department and/or individual requesting the approval for the job applicant still would like to interview the potential candidate, even with a criminal background and/or conviction, approval must be obtained from the Warden of the facility to allow the job applicant into the facility for the interview.
- g. If the job applicant is not to be interviewed, the CJIS report shall be attached to the job application with a notation as to why the applicant was not interviewed (i.e., would not pass background check, etc.).

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- h. The CJIS report shall be attached to the job applicant's application and kept on file at the facility by the Chief of Security, regardless of whether the applicant was interviewed or not.

.9 Pre-Trial Defendants

- a. The formal approval process for pre-trial defendants may prevent them from receiving visitors, during the initial period of confinement. Therefore, to the extent possible, without compromising security requirements, the Warden may allow family members to visit for an initial six (6) day period of confinement, while processing their visit application.
- b. These visitors must acknowledge and follow the applicable rules, regulations, and search procedures by filling out and signing the appropriate forms.

.10 Special Visits

- a. At the Warden's discretion, special visiting privileges may be granted to an inmate/defendant, for a visit which is outside of the general visiting schedule.
- b. Such a request may be made and authorized, because the visitor does not live on the island the inmate/defendant is incarcerated, or the individual may have special health or security needs.
- c. If such a visit request is granted, the visitor shall be informed of the specific date, time and length of time of the visit. The inmate/defendant and appropriate staff are to be notified of the special visit arrangements.
- d. Facility staff shall make a diligent effort to ensure that the approved and scheduled special visit is facilitated.
- e. The Warden, Deputy Warden, Chief of Security, or Watch Commander shall authorize the cancellation of a special visit in the event of extreme emergencies, or when other alternatives to allow the visit could not be accommodated.

.11 Special Visitors

- a. Special visitors need not be listed on the inmate/defendant's Visitor List.

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- b. An exception to the normal established visiting schedule is permitted so long as it does not interfere with the orderly operations and good government of the facility. Examples of Special Visitors are:
 - 1) Inmate's attorney of record.
 - 2) Clergy for special requests (Any member of the clergy who wishes to visit regularly as a friend rather than in his/her official capacity must complete PSD 8247 to be placed on the inmate/defendant's regular visit list).
 - 3) Representatives from agencies, to include but not limited to:
 - a) Office of the Ombudsman
 - b) Local Office of the Prosecutor
 - c) Department of the Attorney General
 - d) Local Police Department
 - e) Legislators
 - f) Local City Council Representatives
 - g) Other agency representatives approved by the Warden or COS
- c. Representatives from UPW and HGEA shall be allowed into the facilities without a background check provided:
 - 1) The union representatives are on facility premises for official union business; and
 - 2) The union representatives present appropriate credentials (i.e., identification cards, etc.).

.12 Group Visits

All visitors not related to an inmate visit are subject to background screening as covered by HAR, § 23-100-5, Group Visits. The facility may permit interested groups to visit when the safety of the facility and the visitors can be ensured, and in accordance with this policy. This is to include tours, inspections, and vendors.

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PSD 8320 shall be processed with a list of "group visitors," or it can be processed for an individual person.

- a. Interested community groups may request permission to visit correctional facilities. Permission of the Warden or COS is required and all visitors must comply with the rules, regulations, policies and procedures regarding visiting a correctional facility.
- b. Groups may also be invited by the Warden to participate in activities or perform entertainment functions as part of an approved program.
- c. All groups allowed to enter the facility shall be kept at a manageable number of participants, as determined by the Warden. In all cases, allowing a group to visit the facility shall not deprive any eligible inmate/defendant from attending the event.
- d. Food may be served at a charge determined in advance. However, meals shall not interfere with the orderly operation of the institution or place undue burden on the employees or inmates/defendants.
- e. Visitors may be escorted through the institution for a tour in accordance with instructions issued by the Warden or COS. Such tours shall not bring embarrassment to visitors or inmate/defendants.

.13 Inmates Convicted of Sexual Crimes Involving Minor Children

- a. Inmates with prior, current and/or pending charges of sexual crimes against minor children shall be ineligible to visit with minor children, except with their own biological, adopted, step and/or foster children.
- b. Inmates with prior, current and/or pending charges of sexual crimes against their own biological, adopted, step and/or foster children, shall be ineligible to visit with any minor children, including their own biological, adopted, step and/or foster children.
- c. Inmates with a documented history of sexual abuse of an immediate family member shall be ineligible to visit with any minor children, including their own biological, adopted, step and/or foster children.
- d. In the event Child Protective Services and/or the Court allows the inmate visitation rights with his own biological, adopted, step and/or foster minor children, then the inmate will be allowed such visits, upon approval by the

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- b. The receiving facility shall accept the approved visitation list and allow visitors from the list. The list shall be verified with the listed inputted on Offendertrak by the transferring facility.
- c. However, this does not preclude the receiving facility from conducting its own verification of those on the list, as changes to the visitor's criminal history or other concerns may have changed. If the status of any visitor on the inmate's approved visitor list is changed by the receiving facility, the status shall be inputted in Offendertrak.
- d. If the receiving facility approves and/or disapproves of any new visitor requests from the transferred inmate, all newly approved or disapproved visitors shall be inputted on Offendertrak.
- e. The receiving facility Warden or Chief of Security shall be responsible for approving any new names of visitors the inmate seeks to add to the visitation list after transfer or to delete names of visitors, as may be appropriate.
- f. Any modifications to an inmate's visitation list shall be inputted in Offendertrak.

.17 Minors

- a. Minors may be permitted to visit an inmate/defendant at the discretion of the Warden or COS, and subject to the provisions of Section 5.13 above.
- b. An adult, who is an authorized visitor, shall accompany the minor.
- c. A minor who is legally married shall be provided all the privileges of an adult visitor. The married minor shall be required to produce proof of marriage prior to the visit.
- d. PSD 8328 shall be completed and submitted for approval by the Warden at least ten (10) days prior to the start of the visit.
- e. If an inmate's parental rights have been terminated, minor children may not visit the inmate.
- f. If there is a protective order, temporary restraining order, injunction, and/or an official "stay away" or "do not contact" directive issued by a court, and/or a State agency and/or other governmental agency (i.e., Department of

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Human Services, Child Welfare Services, etc.), the minor shall not be permitted to visit the inmate.

- 1) If there is a protective order, temporary restraining order, injunction and/or official directive prohibiting contact between a minor(s) and an inmate, this shall be inputted into Offendertrak in the appropriate inmate's record.
 - 2) The minor shall be prohibited from visiting the inmate until the minor attains the age of 18, or there is an official order and/or directive rescinding the protective order, temporary restraining order, injunction and/or directive, prohibiting contact between the minor and inmate.
- g. If there is a written directive and/or court order issued by a court and/or governmental agency dissolving the protective order, temporary restraining order, injunction and/or "stay away" or "do not contact" directive, this shall be submitted to the Warden for approval. After approval by the Warden, the minor shall then be allowed to visit the inmate.

.18 Ineligible Visitors

- a. Department of Public Safety employees are not permitted to visit any inmate, unless the inmate is a member of the employee's immediate family or relative, and prior written approval to visit has been obtained by the facility Warden, and acknowledged by the employee's supervisor.
- b. A visitor with a protective order against an inmate, shall not be permitted to visit that inmate.
- c. An inmate with a protective order against a visitor, shall not be permitted to visit with that visitor.
- d. Former inmates shall not be permitted to visit an incarcerated inmate unless the former inmate has been in the community for at least five (5) years beyond his/her maximum release date, not on probation or parole, and without subsequent arrests and/or convictions.
 - 1) Former inmates with less than five (5) years beyond his/her maximum release date may be allowed to visit an incarcerated inmate, only if the incarcerated inmate is the former inmate's immediate family member, and with prior authorization from the Warden.

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- 2) Sex offenders with less than five (5) years beyond his/her maximum release date may be allowed to visit an incarcerated inmate, only if the incarcerated inmate is the former inmate's immediate family member, and with prior authorization from the Warden.
- e. Inmates shall not be permitted visitors who are co-defendants in a current or pending criminal case.
- f. A victim shall not be permitted to visit the inmate who is the perpetrator of the crime against him/her, unless prior written authorization is received from the Warden.
- g. Visitors who have applied for and denied visitation rights shall be inputted into Offendertrak in the corresponding inmate's record, by the facility's visitation officer.

.19 Searches

- a. All visitors and their belongings shall be subject to search by a scanning device and/or pat search in accordance with COR.08.02: Searches of Visitors and Staff; Searches of Delivery Vehicles and Delivered Items.
- b. Attorneys, their representatives, and belongings may be searched in accordance with COR.08.02: Searches of Visitors and Staff; Searches of Delivery Vehicles and Delivered Items.
- c. If there is reasonable suspicion that a visitor may be carrying contraband, the visitor may be subject to a strip search.
 - 1) If the visitor consents to a strip search, the search shall be conducted by same gender ACOs, or staff member trained to perform a strip search.
 - 2) The strip search shall be conducted in a private area, away from the viewing public, and by two (2) ACOs, one a supervisory ACO.
 - 3) The visitor may decline a strip search, but the visitor shall be prohibited from visiting that day, and shall immediately leave the facility premises.

NOT CONFIDENTIAL

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.20 Contraband

- a. The facility Warden may designate a non-contact visit area to conduct visitation with family members.
- b. The facility Warden shall be responsible for informing inmates, defendants, visitors, staff, contractors, vendors, volunteers, and the members of the general public of the criminal and administrative penalties that shall result from the introduction and/or possession of contraband in accordance with COR.08.04: Notice of Laws Relating to Contraband.
- c. If a visitor is discovered to be in possession of contraband and/or dangerous contraband, he/she shall be detained in accordance with COR.08.02: Searches of Visitors and Staff; Searches of Delivery Vehicles and Delivered Items.
- d. Any seizure of evidence shall be in accordance with COR.08.03: Seizure of Evidence.
- e. Contraband shall include but is not limited to cellphones, laptops, cameras, tablets, tobacco products, smoking paraphernalia, money, etc.
- f. Dangerous and/or criminal contraband shall include but is not limited to knives, homemade knives, bullets, any type of firearms, drugs, etc.

.21 Withdrawal of Visiting Privileges

Withdrawal of visiting privileges may be rendered because of non-compliance with any terms of this policy, established rules and facility procedures for the visiting program. If visiting privileges are terminated, this shall be inputted in the inmate's record in Offendertrak.

- .22 Wardens have the authority to establish limits on the amount of visitors in regards to offender population and space accommodations. Visiting days shall be established according to facility operational needs, and security objectives while balancing the objectives of this policy.

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6.0 SCOPE

This policy applies to all correctional facilities.

APPROVAL RECOMMENDED:

 May 5, 2017
Deputy Director for Corrections Date

APPROVED:

 May 5, 2017
Director Date

NOT CONFIDENTIAL

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

VISITING APPLICATION

I, _____, (_____) of _____,
(Print--Applicant's Name) (Date of Birth) (Address)

the _____ of _____, request permission to
(Relationship) (Inmate's Name)

visit with the above-named inmate.

LAWS AND REGULATIONS

1. A person commits the offense of promoting prison contraband in the first degree if he/she intentionally conveys a dangerous instrument or drug to any person confined in a correctional or detention facility; or being a person confined in a correctional or detention facility, he intentionally makes, obtains, or possesses a dangerous instrument or drug.

A "dangerous instrument" shall have the same meaning as defined in *HRS* §707-700 (4); a dangerous instrument may only be possessed by or conveyed to a confined person with the warden's express prior approval; a "drug" shall include any of the items listed in *HRS* §§ 712-1240 (1)-(3) and (5)-(7); a drug may only be possessed by or conveyed to a confined person under medical supervision.

Promoting prison contraband in the first degree is a class B felony.

A person who has been convicted of a class B felony may be sentenced to ten (10) years imprisonment and a \$10,000 fine. (See, *Hawaii Revised Statutes* § 710-1022.)

2. A person commits the offense of promoting prison contraband in the second degree if he/she intentionally conveys known contraband to any person confined in a correctional or detention facility; or being a person confined in a correctional or detention facility, he/she intentionally makes, obtains, or possesses known contraband.

"Contraband" means any article or thing which a person, confined in a correctional or detention facility, is prohibited from obtaining or possessing by statute, rule, regulation, or order.

Promoting prison contraband in the second degree is a class C felony.

A person who has been convicted of a class C felony may be sentenced to five (5) years imprisonment and a \$5,000 fine. (See, *Hawaii Revised Statutes* § 710-1023.)

3. None but official visitors shall be allowed to visit any state correctional facility or to have any oral or written communication with the committed person, unless granted written permission by the warden of the correctional facility; nor shall any visitor deliver to or receive from any committed person any letter or message except with permission granted by the warden of a state correctional facility, in accordance with

Hawaii Administrative Rules § 23-100-4(c). Unauthorized communications, passing of documents, or visiting is a class C felony.

4. Procedures at all facilities shall be consistent with the following provisions:
- Every visitor upon authorized entry into a correctional facility or its grounds will be subject to a search of his or her person, vehicle, or any item in his or her possession. (See, *Hawaii Administrative Rules*, § 23-100-6.)
 - Visitors are not allowed to bring electronic equipment into a correctional facility, including but not limited to cellular or mobile phones, tablets, cameras, electronic cigarettes (e-cigarettes), etc. These items are considered contraband and will be treated as such.

Visiting an inmate is a privilege and may be restricted or denied. (See, Hawaii Administrative Rules, Title 23, Subtitle 2, Chapter 100, Visits.)

I HAVE READ AND UNDERSTAND THE LAWS AND REGULATIONS SET FORTH HEREIN AND I AGREE TO ABIDE BY THEM.

Applicant's Signature

Date

Required For Visits: _____
Social Security Number

APPROVED / DISAPPROVED:

Warden

Date

**DEPARTMENT OF PUBLIC SAFETY
MINOR CONSENT FORM**

Both parties must appear in person to sign this consent form prior to visiting. Parents or legal guardians must have proper identification showing the relationships to minors. This form must be submitted ten (10) days prior to the visit. Escorting Adults must submit PSD 8247 for a background check.

I, _____, give permission for _____, who is a
(Parent/Legal Guardian)

Minor and under my legal custody, to:

☐ Visit _____ at _____
(Name of Inmate) (Facility)

Minor's relationship to Inmate: _____

☐ Visit _____ to participate in _____
(Facility) (Name of Program)

On _____ from _____ to _____
(Date) (Time)

Signature of Parent or Legal Guardian Date

.....
I, _____, accept and assume the responsibility of escorting
(Please Print Name)

_____, who is a minor, while visiting the above named inmate or participating
(Please Print Name)

In the above-named program.

Signature of Parent or Legal Guardian Date

.....
APPROVED / DISAPPROVED

Warden Date

For Minors participating in a program, this Consent Form shall be valid only on the day of the Program.

**DEPARTMENT OF PUBLIC SAFETY
SPECIAL VISIT REQUEST**

TO: _____ (Case Manager) DATE: _____

INMATE: _____ SID: _____

FACILITY: _____ HOUSING UNIT: _____

Name	Relation	Social Security No.	DOB	Address

Reason for Visit: _____

Date of Visit: _____ Time of Visit: _____

Inmate Signature

- ☐ APPROVED
- ☐ APPROVED WITH STIPULATIONS: _____
- ☐ DISAPPROVED

Warden

Date

After Approval/Disapproval by Warden, per Policy and Procedures COR.15.04, the Visitation Officer shall enter all appropriate information into Offendertrak, including whether the request was Approved or Disapproved.